

Examiner-Initiated Interview Summary	Application No. 09/867,181	Applicant(s) JONES, DANA HOWARD	
	Examiner Robert M. Pond	Art Unit 3625	

All Participants:

(1) Robert M. Pond.

(2) Mr. David Yang, #44,415.

Status of Application: Pending

(3) _____

(4) _____

Date of Interview: 5 June 2007

Time: 4:47 PM EDT

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No
 If Yes, provide a brief description:

Part I.

Rejection(s) discussed:
 None

Claims discussed:
 Claims 1 and 24

Prior art documents discussed:
 None

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
 Sent proposed claim amendments to Mr. Yang. See attached email.

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


 (Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Pond, Robert

From: Pond, Robert
Sent: Tuesday, June 05, 2007 4:47 PM
To: 'dyang@mofo.com'
Subject: RE: Application No. 09/867,181

Hi Mr. Yang,

Attached is a suggestion on how to fix the claims per our conversations yesterday. This overcomes Neel, is consistent with your title, abstract, specification, and your arguments cited in 3/6/06 and 2/21/07.

If you think I'm totally off the mark, then please explain to me why you, Mr. Jones and I spent significant time discussing Neel and amending around Neel (at least Fig. 7a and disclosures supporting Fig. 7a). Fig. 7a is all about a customer accessing content that requires a fee without charge to the customer on the precondition the customer views a sponsor's advertising message.

If this is not what you want then respond to the Non-responsive with previous arguments but strike arguments that content is being paid by a facilitator/interposed sponsor since it is ambiguous as to who if anyone is actually paying for content in Claim 1 (as entered on 2/21/07). Claim 24 (2/21/07) is broader with regards to content protection but implements the targeted aspects that we've discussed, i.e. consumer making a request for the media product. Claim 1 is ambiguous as to how the media product was identified. Claim 24 is ambiguous as to whether the consumer is accessing content that requires any sort of payment which renders the facilitator or sponsor paying aspects irrelevant. Claim 1 suffers the same ambiguity since "IP rights protection" alone does not inherently require royalty payments.

If we can't reach agreement on the suggested language in the attachment or mods to the suggestion, the next office action in response to your reply to the Non-response (due soon) will get Neel or other prior art on the record in terms of an office action. We can pick up from that point in prosecution to perfect, else you may choose to Appeal that action if we then cannot reach agreement.

Please contact me to let me know which direction you will take.

Respectfully,

Rob Pond

571-272-6760

6/10/07

*****DRAFT*****

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization

Authorization for this examiner's amendment was given in telephone interviews with Mr. David Yang, Reg. #44,415 on 11 May 2007, 22 May 2007, and June ???.

Allowed Claims

Claims 1, 4, 5, 9, 11-13, 24, 27-29, and 36-40 entered 21 February 2007 are allowed. The Applicant canceled claims 2, 6-8, 17, 19-20, 25, 32, 33, and 35, entered 21 February 2007. Claims 3, 10, 14-16, 18, 21-23, 26, 30, 31, and 34 are canceled per this Examiner's Amendment.

In the Claims

The claims entered on 21 February 2007 are amended as follows:

- Delete claim 1 in its entirety and insert therefore:

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- 1. A method for distribution of products over the Internet via a facilitator, said method comprising the steps of:

a first step of receiving, from a content provider, a media products that are is covered by intellectual-property rights protection and are available for purchase ~~<taken from claim 24>~~, wherein each ~~<taken from claim 24>~~ said media product being comprised of at least one of text data, music data, and video data;

a second step of selecting a sponsor message to be associated with the media product, said sponsor message being selected from a plurality of sponsor messages, said second step including accessing an activity log to verify that the total number of times which the sponsor message has been previously presented is less than the number of transaction cycles contracted by the sponsor of the sponsor message;

a third step of providing the media product for sale at an Internet website;

a fourth step of restricting general public access to said media product;

a fifth step of offering to a consumer access to the media product without charge to the consumer on the precondition that the consumer views the sponsor message;

a sixth step of receiving from the consumer a request to view the sponsor message, wherein the consumer submits said request in response to being offered access to the media product;

a seventh step of, in response to receiving the request from the consumer, facilitating the display of a sponsor message to the consumer;

an eighth step of, if the sponsor message is not an interactive message, allowing said consumer access to said media product after said step of facilitating the display of said sponsor message;

a ninth step of, if the sponsor message is an interactive message, presenting at least one query to the consumer and allowing said consumer access to said media product after receiving a response to said at least one query;

a tenth step of recording the transaction event to the activity log, said tenth step including updating the total number of times the sponsor message has been presented; and

an eleventh step of receiving payment from the sponsor of the sponsor message displayed. - -

- Delete claim 24 in its entirety and insert therefore:

- -Claim 24. A method for distribution of products over the Internet via a facilitator, said method comprising the steps of:

a first step of providing a product list on an Internet website, wherein at least some of the products are media products covered by intellectual property rights protection and are available for purchase, said media products being provided by content providers, wherein each said media product is comprised of at least one of text data, sound data, and video data;

a second step of selecting a sponsor message to be associated with at least one of said media products, said sponsor message being selected from a plurality of sponsor messages, said second step including accessing an activity log to verify that the total number of times which the sponsor message has been previously presented is less than the number of transaction cycles contracted by the sponsor of the sponsor message;

a third step of restricting general public access to said media products;

a fourth step of offering to a consumer access to a requested media product available for purchase without charge to the consumer on the precondition that the consumer views the sponsor message;

a fifth step of receiving from the consumer a request to view a sponsor message in response to said step of offering;

a sixth step of facilitating the display of a sponsor message to the consumer in response to receiving the request;

a seventh step of, if the sponsor message is not an interactive message, allowing said consumer access to said requested media product after said step of facilitating the display of said sponsor message;

an eighth step of, if the sponsor message is an interactive message, presenting at least one query to the consumer and allowing said consumer access to said media product after receiving a response to said at least one query;

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a ninth step of recording the transaction event to the activity log, said ninth step including updating the total number of times the sponsor message has been presented; and

a tenth step of receiving payment from the sponsor of the sponsor message displayed. - - -

- Claim 11, claim line 1, delete "10" and insert therefore: - -1- -
- Claim 11, claim line 2, after "content provider" and insert therefore: - -by said facilitator- -
- Delete claim 27 in its entirety and insert therefore:
- -Claim 27. The method for distribution of products of Claim 24, further comprising the step of tendering payment to the content provider by said facilitator. - -